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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,294	07/18/2003	M. Steve Lessley	14120	4116

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EXAMINER

LAMB, BRENDA A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,294

Applicant(s)

LESSLEY ET AL.

Examiner

Brenda A. Lamb

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-26 is/are allowed.
- 6) ☒ Claim(s) 14, 18-21, 27 and 31 is/are rejected.
- 7) ☒ Claim(s) 15-17, 28-30 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 27 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Louch et al.

Louch et al teaches as shown in his figure a strand coating system which is comprised of the following elements: an adhesive dispensing device having an adhesive dispensing orifice (elements 27 or 28); a strand guide member (element 31 or 32) which guides the strand past the fluid dispensing orifice (elements 27 or 28); pin 34 or 35 with

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traverse gaps of sufficient width to permit engagement and passage of the strand there through, the pin 34 or 35 is located between the strand guide member 30 and the fluid dispensing orifice (elements 34 or 35) such that the strand is drawn from the strand guide member over the fluid dispensing orifice is engaged with the strand orienting pin. Thus every structural element of the claimed apparatus set forth in claims 27 and 31 is taught by Louch et al.

Claims 14, 18 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Louch et al.

Louch et al is applied for the reasons noted above Louch et al pins 34 or 35 with traverse gaps are of sufficient width to permit engagement and passage of the strand there through. Louch et al traverse gaps within pins 34 or 35 as depicted in the drawing are substantially aligned with the adhesive dispensing orifices thereby obviously acting as a further aligning means for aligning the strand relative to the adhesive dispensing orifice. Thus claim 14 is obvious over Louch et al. With respect to claim 18, the examiner maintains that, absent a clear recitation of how the module relates to other structural elements of the claimed strand coating system, Louch et al shows the strand guide member (element 31 or 32) is coupled or fixedly mounted to the module/unit 33. With respect to claims 20-21, Louch et al shows in his figure the strand guide member include a strand guide roller 31 not aligned with the adhesive dispensing orifice and strand axial orientation aligning member. Louch et al shows the pin include a recessed area or transverse gaps.

Applicant's arguments filed 8/09/2005 have been fully considered but they are not persuasive.

Applicant's argument that pins 34,35 of Louch et al do not orient the strands is found to be non-persuasive. Louch et al at column 5 lines 23-27 to facilitate stringing or threading of the yarns through the device that pins 34,35 have transverse gaps of a sufficient width to permit passage of the yarn there through. Therefore, the yarns in the Louch et al apparatus engage with or brought into contact with the transverse gaps in pins 34,35 in order to enable facilitate the process of stringing or threading of the yarns through the Louch et al device.

Applicant's argument that his invention defines over Loch et al in that the fluid dispensing device is an adhesive dispensing device is found to be non-persuasive. The Louch et al fluid dispensing device is capable of dispensing an adhesive since it teaches every claimed element of the device. Note it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ 2d 1647 (1987). "[A]pparatus claims cover what a device is, not what a device does." *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990).

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "the module" at line 2 of claim 18 lacks proper antecedent basis.

Claims 15-17, 28-30 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 22-26 are allowed.

The prior art fails to teach or suggest a strand coating apparatus comprised of the following elements: an adhesive dispensing device having an adhesive dispensing orifice; a strand guide member; a strand axial orientation aligning member couple to the adhesive dispensing device, the strand axial orientation aligning member positioned in substantial alignment with the adhesive dispensing orifice, the strand axial orientation aligning member disposed between the strand guide member and the adhesive dispensing orifice,

wherein the strand axial orientation aligning member is a pin having an axis extending substantially transverse to a direction in which a strand is drawn past the adhesive dispensing device

or wherein the adhesive dispensing device includes an adhesive dispensing nozzle coupled to the module and the strand axial orientation aligning member coupled to the module.

The prior art fails to teach or suggest a strand coating system comprised of the following elements: a fluid dispensing device having a fluid dispensing orifice from which the fluid is dispensed; a strand guide member couple to the a fluid dispensing device, the strand guide for guiding a strand drawn past the fluid dispensing orifice; a strand orienting pin located between the strand guide member and the fluid dispensing orifice so that a strand drawn from the strand guide member over the fluid dispensing orifice is engaged with the strand orienting pin, a module, the fluid dispensing device coupled to an end of the module, the fluid dispensing orifice directed away from a bottom of the module, the bottom of the module is non-parallel to the end of the module, the strand guide member coupled to the module.

The prior art fails to teach or suggest a strand coating system comprised of the following elements: a fluid dispensing device having a fluid dispensing orifice from which the fluid is dispensed; a strand guide member couple to the a fluid dispensing device, the strand guide for guiding a strand drawn past the fluid dispensing orifice; a strand orienting pin located between the strand guide member and the fluid dispensing orifice so that a strand drawn from the strand guide member over the fluid dispensing orifice is engaged with the strand orienting pin, wherein the strand orienting pin having an axial portion substantially parallel to a direction of the fluid dispensing orifice, the axial portion

having a recessed side portion within which a strand is captured when the strand is engaged with the strand orienting pin.

The prior art fails to teach or suggest a strand coating apparatus comprised of the following elements: a module; a fluid dispensing device having a fluid dispensing orifice, the fluid dispensing device coupled to an end of the module; a plate coupled to a bottom of the module and extending beyond the end of the module to which the fluid dispensing device is coupled, the plate having an opening aligned with the fluid dispensing orifice, and a strand orienting pin protruding from a side of the plate opposite from a side of the plate on which the fluid dispensing device is located.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Brenda A. Lamb at telephone number (571) 272-1231. The examiner can normally be reached on Monday and Wednesday thru Friday with alternate Tuesdays off.


BRENDA A. LAMB
PRIMARY EXAMINER